

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SUSAN NEGLEY,

Plaintiff,

vs.

Civil Action No.: 2:19-cv-710

MATRIX ABSENCE MANAGEMENT  
QUALITY ASSURANCE REVIEW and  
BAYER U.S. LLC,

Defendants.

**PLAINTIFF'S COMPLAINT**

AND NOW, comes the Plaintiff, Susan Negley, by and through her undersigned counsel, Max Petrunya, Esquire and the law firm of Robert Peirce & Associates, P.C., and files the within Complaint to recover benefits due under a policy of Long-Term Disability Benefits (LTD) coverage issued by Defendants Matrix and Bayer U.S. LLC.

**JURISDICTION and VENUE**

1. This action is brought pursuant to 28 U.S.C. § 1332. This Court has jurisdiction based upon diversity of the parties and the amount in controversy. Additionally, this is an action brought pursuant to Section 502(a), (e)(1) and (f) of ERISA 29 U.S.C. §§1132(a)(e)(1) and (f). This Court has subject matter jurisdiction pursuant to 29 U.S.C. §1132(e)(1), 28 U.S.C. §1331 and 28 U.S.C. §1367(a). Under Section 502(f) of ERISA, 29 U.S.C. §1132(f), the Court has jurisdiction without respect to the amount in controversy or the citizenship of the parties.

2. Venue is properly laid in this district pursuant to 28 U.S.C. §1391(a), as the Plaintiff resides in this district, became disabled in this district, was issued the subject insurance policy in this district, and the Defendant is subject to personal jurisdiction in this district.

### **PARTIES**

3. Plaintiff Susan Negley is an adult individual residing at 100 Pulaski Drive, Natrona Heights, Allegheny County, Pennsylvania 15065.

4. Accordingly, Ms. Negley is a citizen of Pennsylvania.

5. Defendant Matrix Absence Management Quality Assurance Review is a corporation with its principal place of business at P.O. Box 13498, Philadelphia, Philadelphia County, Pennsylvania 19101.

6. Defendant Bayer U.S. LLC is a corporation with its principal place of business at Building 4, 100 Bayer Road, Pittsburgh, Allegheny County, Pennsylvania 15205.

### **FACTS**

7. Ms. Negley was employed by Bayer Corporation and worked as an assembler to complete medical devices. This work as an assembler required her to sit for hours at a time with her neck at an awkward angle.

8. As a result of working in this position for years, Ms. Negley developed significant injuries to her neck and cervical spine which prevent her from working her job.

9. Ms. Negley is still under the care and treatment of neurologists for the extensive damages she lives with to her neck and spine due to cervical radiculopathy and degenerative disc disease.

10. On April 12, 2018 Ms. Negley could no longer perform her job and went on disability for her neck and spine conditions.

11. Ms. Negley's condition prevents her from performing her duties for her job as an assembler and further prevents her from performing the material and substantial duties for any gainful employment.

12. Accordingly, Ms. Harshey is disabled and prevented from doing her job, or any job, due to the debilitating medical conditions detailed above.

13. Ms. Negley was denied disability benefits by Matrix and Bayer on August 20, 2018.

14. Ms. Negley filed timely appeals which were denied and Ms. Negley has exhausted all of her administrative remedies as of October 31, 2018.

15. The denials of Ms. Negley's benefits from Matrix and Bayer constitute a wrongful denial of long-term disability benefits to which Ms. Negley is entitled.

## **COUNT I**

### **ERISA CLAIM FOR BENEFITS UNDER THE PLAN – 29 U.S.C. 1132(a)(1)(b)**

#### **AGAINST BOTH DEFENDANTS**

16. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth at length herein, and further alleges as follows.

17. The plan provides that Plaintiff is entitled to long-term disability coverage based upon her becoming and remaining disabled within the meaning of the plan.

18. Plaintiff has established her disability within the meaning of the plan and is entitled to long-term disability coverage because she is unable to perform her occupation and is

also unable to perform the material and substantial duties of any gainful occupation for which she is reasonably fitted by training, education, or experience.

19. On or about August 20, 2018, Defendant denied long term disability coverage benefits. Plaintiff is entitled to long term disability disability benefits under the plan, because her medical conditions prevented, and continues to prevent, her from performing the material and substantial duties of his regular occupation and continues to prevent her from performing the material and substantial duties of any gainful occupation for which she is reasonably fitted by training, education, or experience.

20. Defendant's denial of Ms. Negley's long term disability benefits constitutes denial of benefits governed by ERISA, and adversely affects the Plaintiff's eligibility for long term disability benefits.

WHEREFORE, the Plaintiff, Susan Negley, demands judgment in his favor and against the Defendants Matrix Absence Management Quality Assurance Review and Bayer U.S. LLC in an amount in excess of the jurisdictional limits, plus costs of suit, plus pre and post-judgment interest, plus attorney's fees and costs.

Respectfully submitted,

By: /s/ Max Petrunya

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